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15 Attorneys for Defendants,
16 SPARTACUS 20TH LP.;
17 SPARTACUS 20TH G.P., INC.;
18 PHILIP R. PALUMBO;
19 JAKOB IRION;
20 BODYROK FRANCHISE, L.P.;
21 BODYROK FRANCHISE G.P., INC.;
22 EXERCISE TECHNOLOGIES, L.P.;
23 BODYROK MARINA, LP. AND
24 SCULPT FITNESS BERKELEY, LLC

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 LAGREE TECHNOLOGIES, INC., LAGREE) CASE NO. 3:17-cv-00795
18 FITNESS, INC., MAXIMUM FITNESS)
19 INCORPORATED, AND SEBASTIEN LAGREE,) **PARTIES' STIPULATION TO**
20 Plaintiffs,) **EXTEND TIME FOR**
21 vs.) **DEFENDANTS TO FILE THEIR**
22 SPARTACUS 20TH LP., SPARTACUS 20TH G.P.,) **ANSWER OR OTHERWISE**
23 INC., PHILIP R. PALUMBO, JAKOB IRION,) **RESPOND TO PLAINTIFFS'**
24 BODYROK FRANCHISE, L.P., BODYROK) **COMPLAINT FOR PATENT**
25 FRANCHISE G.P., INC., EXERCISE) **INFRINGEMENT, COPYRIGHT**
26 TECHNOLOGIES, L.P., BODYROK MARINA,) **INFRINGEMENT, TRADEMARK**
27 LP., SCULPT FITNESS BERKELEY, LLC AND) **INFRINGEMENT, NAME**
28 DOES 1 THROUGH 10, INCLUSIVE,) **MISAPPROPRIATION,**
Defendants.) **UNLAWFUL AND FRAUDULENT**
) **BUSINESS PRACTICES, AND**
) **CALIFORNIA COMMON LAW**
) **UNFAIR COMPETITION**
) **AND ~~PROPOSED~~ ORDER**
) Dept: Courtroom 9 – 19th Floor
) Judge: Jon S. Tigar

1 TO THE HONORABLE JON S. TIGAR AND THE CLERK OF THE COURT:

2 Pursuant to Rule 6-1(b) of the Civil Local Rules (L.R.), Plaintiffs LAGREE
3 TECHNOLOGIES, INC., LAGREE FITNESS, INC. MAXIMUM FITNESS
4 INCORPORATED, and SEBASTIEN LAGREE (“Plaintiffs”), and Defendants SPARTACUS
5 20TH, L.P., SPARTACUS 20TH G.P., INC., PHILIP R. PALUMBO, JAKOB IRION,
6 BODYROK FRANCHISE, L.P., BODYROK FRANCHISE G.P., INC., EXERCISE
7 TECHNOLOGIES, L.P., BODYROK MARINA, LP., and SCULPT FITNESS BERKELEY,
8 LLC (“Defendants”) (hereinafter collectively the “Parties”), stipulate as follows:

9 WHEREAS, Defendants’ deadline to respond to the Complaint is April 7, 2017, pursuant
10 to the March 24, 2017 hearing and Court Order (ECF 32);

11 WHEREAS, the Parties stipulate to extend the time within which to answer or otherwise
12 respond to the Complaint;

13 WHEREAS, counsel for the Parties have continued to meet and confer regarding various
14 causes of action and factual allegations in the Complaint;

15 WHEREAS, on April 7, 2017, counsel for Plaintiffs informed counsel for Defendants
16 that Plaintiffs intend to file a First Amended Complaint on April 10, 2017;

17 WHEREAS, the Parties stipulate to an extension of time so Defendants do not have to
18 respond to Plaintiffs’ original Complaint on April 7, 2017, and instead Defendants will answer or
19 otherwise respond to Plaintiffs’ First Amended Complaint in accordance with the Federal Rules
20 of Civil Procedure;

21 WHEREAS, this stipulation will not alter the date of any event or any deadline already
22 fixed by Court order (other than the Court order referenced above, ECF 32). For example, the
23 case management conference is presently scheduled for June 7, 2017 (ECF 32);

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1 NOW, THEREFORE, the parties, by and through their respective counsel, hereby
2 stipulate and agree that each of the Defendants' answer(s) or other response(s) to the Complaint
3 shall be in accordance with the Federal Rules of Civil Procedure after Plaintiffs file a First
4 Amended Complaint and Defendants do not need to respond to the original Complaint on
5 April 7, 2017.

6 Dated: April 7, 2017

GORDON & REES LLP

7 By: /s/ Robert P. Andris
8 Robert P. Andris
9 Kevin W. Alexander
10 Michael D. Kanach

11 Attorneys for Defendants,
12 SPARTACUS 20TH LP.;
13 SPARTACUS 20TH G.P., INC.;
14 PHILIP R. PALUMBO;
15 JAKOB IRION;
16 BODYROK FRANCHISE, L.P.;
17 BODYROK FRANCHISE G.P., INC.;
18 EXERCISE TECHNOLOGIES, L.P.;
19 BODYROK MARINA, LP. AND
20 SCULPT FITNESS BERKELEY, LLC

21 Dated: April 7, 2017

22 By: /s/ Chad E. Ziegler
23 Chad E. Ziegler (*pro hac vice*)
24 Attorneys for Plaintiffs,
25 LAGREE TECHNOLOGIES, INC.,
26 LAGREE FITNESS, INC.,
27 MAXIMUM FITNESS INCORPORATED,
28 AND SEBASTIEN LAGREE

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.
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DATED: April 11, 2017


5 UNITED STATES DISTRICT JUDGE
Honorable Jon S. Tigar

101 W. Broadway Suite 2000
San Diego, CA 92101
Gordon & Rees LLP

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FILER'S ATTESTATION
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4 I, Robert P. Andris, whose ECF user whose identification and password are being used to
5 file this CIVIL L.R. 6-1(a) PARTIES' STIPULATION TO EXTEND TIME FOR
6 DEFENDANTS TO FILE THEIR ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS'
7 COMPLAINT FOR PATENT INFRINGEMENT, COPYRIGHT INFRINGEMENT,
8 TRADEMARK INFRINGEMENT, NAME MISAPPROPRIATION, UNLAWFUL AND
9 FRAUDULENT BUSINESS PRACTICES, AND CALIFORNIA COMMON LAW UNFAIR
10 COMPETITION. Defendants' counsel obtained Plaintiff's counsels' authority prior to the filing
11 of this document. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that counsel for the
Plaintiffs concurs in this filing.

12 By: /s/ Robert P. Andris
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